

Statement of
U.S. Representative Edward J. Markey
Telecommunications and the Internet Subcommittee Hearing
on "Spam" Legislation
July 9, 2003

Good Morning. I want to start by commending Chairman Upton and Chairman Stearns for calling today's hearing on the issue of spam.

There's no question that unsolicited commercial e-mails are a problem for millions of consumers and for industry. In particular large, bulk spamming is clogging computer networks and is a nuisance to the computer users who receive them.

Part of the wonder of the 'Net is its wide open, chaotic nature. The problem we confront today is that the cost to spammers of sending literally millions of emails out within seconds is so low as to essentially be free. This has led to a deluge. Congress is now poised to step in and regulate because the problem has simply grown so large as to be a burden upon computer users and electronic commerce itself.

Any legislation that proposes regulation of the Internet must be cognizant of the special characteristics of the Internet as a medium for commerce, but also as a medium for free speech. Not all messages are unsolicited. Not all messages are commercial. Many will be of a non-commercial, or political nature. So we must tread carefully when we consider regulating aspects of Internet commerce.

I want to salute the principal sponsors of the spam legislation that I have cosponsored which has been offered by Mrs. Wilson and Mr. Green. This Committee approved spam legislation authored by our two colleagues in the previous Congress and I believe the bill they have introduced in this Congress is an improvement over their previous versions. It is sensible regulation of certain Internet-based conduct and includes realistic but tough enforcement measures. It will help to preserve the best of what the Internet offers consumers and businesses,

while helping consumers and industry stem the tide against the daily deluge of unsolicited commercial emails.

One issue I want to highlight that I believe the Committee ought to tackle as well is 'wireless spam.' As wireless technology advances and becomes, like the traditional phone networks, a network for sending data, text, and images, in addition to voice services, it is predicable that spam will migrate to wireless services. When a computer user logs on in the morning and finds 150 spam emails and has to spend time deleting all of these items it is a clear nuisance. Think about the prospect of driving home and having your wireless phone ring and buzz as all of these spam emails arrive. It will be spam that follows you wherever you bring your phone. It will be even more of a nuisance – and more burdensome to consumers to the extent to which they may pay their wireless phone company based upon the number of text messages received or sent. This is a future that is right around the corner unless we act. It has already become the plague of millions of wireless users in Asia.

Our colleague, Representative Rush Holt has also introduced legislation that aims to address this issue. I believe we can tailor a remedy for wireless spam that recognizes that spam to a wireless phone is even more intrusive than to a desktop computer. I look forward to working with all of my Committee colleagues on addressing this issue as we attempt to reach a consensus Committee position on the underlying spam issues.

Again, I want to commend Chairman Upton and Chairman Stearns, and look forward to working with them as well as Chairman Tauzin, Ranking Member Mr. Dingell, and our other colleagues on these spam issues over the coming weeks and months.

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